

EXHIBIT B
TO JUNE 8, 2020 COMPLAINT

PRIVILEGED AND CONFIDENTIAL

Arguments finding plagiarism from Marvin Gaye and Edward Townsend's "Let's Get It On" in Ed Sheeran's "Thinking Out Loud"

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Introduction

There are a number of factors that—in their presence—give a work of music such as a song its stylistic ties to prior art, or that—in their absence—help make each work novel, unique on its own merits. Different combinations of such factors can reveal stylistic class membership, and in particularly strong mergings can identify acts of plagiarism. Sometimes, single factors can be recognized as being identical in two different works, when other factors are different enough to mark the songs as stylistically disparate. In judging the dependencies between two or more songs, one must consider the combinations of factors at play and the degrees of their similarity or difference, measured against the commonness or rarity of these factors in the general population (particularly in the population of typical sources, being pop music produced before 1980).

Such factors include primarily—but are not limited to—chord progression as related to the home key; melodic pitch structure and surface ornamentation; formal relationships of verses, choruses, and other sections; tempo and rhythms (at both structural and ornamental surface levels); and correspondence of lyrics and music.

I have compared Ed Sheeran's "Thinking Out Loud" with Marvin Gaye - Edward Townsend's prior "Let's Get It On." For purposes of this comparison, I have used the original lead sheet submitted to the United States Copyright Office in connection with the musical composition "Let's Get It On" and the commercially released album recording of "Thinking Out Loud." I understand there are ongoing legal issues surrounding the scope of copyright protection for a musical composition for which sheet music was submitted as a "deposit copy" to the Copyright Office. As I am not an attorney, I do not address the legal issues, but my analysis reflects the fact that these source materials for "Let's Get It On"—the

original sheet music and the sound recording—may need to be analyzed separately in certain circumstances. Therefore Part I, Sections A through E of this report, will cover relationships between the Gaye - Townsend deposit copy and the Sheeran recording, and Part II, Sections F through I, will cover relationships between the Marvin Gaye hit-single recording and Sheeran's recording.

The following analysis shows that Ed Sheeran's "Thinking Out Loud" possesses a combination of so many unusual and sometimes rare factors in common with Marvin Gaye - Edward Townsend's prior "Let's Get It On," in both specific type and degree of dependency, that its borrowing rises to the level of plagiarism. The most significant aspects of each comparison explained below are given in boldface. As will be seen, the case is strong considering a visual interpretation of the Gaye - Townsend deposit copy alone, but the connections between the Gaye and Sheeran songs become inescapable when considering the respective recordings as performances of that lead sheet.

Part I

A. Chord Progression

1. Chord progressions may be characterized in two different ways: by their root names (A, B, C, D, E, F, or G; any of which may be inflected by sharps or flats) and chord quality (major, minor, diminished or augmented; any of which three-note triads may be supplemented by ten various qualities of additional sevenths, ninths, elevenths or thirteenth); thus, there are 924 different chords ($7 \times 3 \times 4 \times 11$) as identified by root and quality. Whereas some pairings of chords are far more common than others, there are theoretically 853,776 different ways in which two adjacent chords may relate to each other simply by their root and quality, and more than 728 billion combinations of four chords so related.

2. The second way chords can be associated includes all of the above, but adds to these connections the functional relationship of each root to the home key. These relationships are identified by Roman Numeral: the I chord is the major triad whose root is the first degree of the home key's scale; the i chord is the minor triad built on that first degree; the ii° chord is the diminished triad built on the second degree, and so on. It is by understanding the affiliations of chords with their home key that the listener's musical "ear" determines functional harmonic identity carried across the transposition of a song from one key to another.

3. Another core consideration in harmonic identity is determined by which particular scale degree appears in the bass, the lowest "voice." Some scale degrees are inherently so strongly determinative, that their appearance in the bass almost nullifies the value of the collection of pitches appearing above them in determining harmonic function. As illustration, if a bassist plays what would be recognized as the fifth scale degree ($\wedge 5$) dropping to the first scale degree ($\wedge 1$), nearly any pitches may appear above them, so strong are these two harmonic functions when expressed in the bass. Conversely, if the sixth scale degree (a pitch more weakly tied to the home key's tonal goals than either $\wedge 1$ or $\wedge 5$) appears in the bass, its harmonic value is more contingent on upper "voices" to determine the identity and potential usages of that chord.

4. For our purposes, we must recognize the essential functional identities of the I^6 chord and the iii chord as being indistinguishable. Both triads appear over $\wedge 3$ in the bass; both also include both $\wedge 3$ and $\wedge 5$ in common among upper voices. The only difference in their identity is the inclusion of $\wedge 1$ ($= \wedge 8$) in the I^6 chord, as opposed to $\wedge 7$ in the iii chord. Particularly among texturally less significant inner voices, these two pitches just a half step apart ($\wedge 8$ and $\wedge 7$) sound interchangeable, registering only differences of color between them. ($\wedge 8$ and $\wedge 1$ are exactly the same scale degree, given that the scale replicates in octaves. We will refer to $\wedge 1$ as $\wedge 8$ when recognized in connection to its neighbor, $\wedge 7$) Often, any difference between the two chords I^6 and iii is unrecognizable, especially if $\wedge 3$ is present in both outer voices, the lead vocal as well as the bass. Take for instance, the song "The Weight" as performed by The Band. In the verse, the chords progress I - I^6 (the second chord appearing with the word "Nazareth"), but the listener can easily convince themselves that what might be a I^6 chord is actually iii (the root of which, $\wedge 3$, is present not only in the bass but also in the lead vocal). Due to natural acoustics, which create a faint $\wedge 7$ above a bass $\wedge 3$ even when it is not performed, this listener is likely not sure whether $\wedge 8$ or $\wedge 7$, or both, are present among inner voices. Instead, the listener concentrates on the structural outer voices, both of which move from $\wedge 1$ to $\wedge 3$ at "Nazareth," when I moves to I^6 (or to iii?). As a related example, in the Commodores' "Easy," the bass moves from $\wedge 1$ to $\wedge 3$ as the lead vocal retains $\wedge 3$ in moving from I to the song's second chord, giving the resulting I^6 a strong equivalence with a listener's posited iii.

5. Another perspective will add weight to what might be for some an anti-intuitive argument, that the minor iii chord could be equivalent to a major I^6 triad. This

relates to the interchangeability of the two triads, based largely on the fact that scale degrees $\hat{3}$ and $\hat{5}$ are common to both. In Creedence Clearwater Revival's "Who'll Stop the Rain," for instance, the second phrase of the opening verse, at 0:19 (at the words "clouds of mystery **pourin'**"), the vocal $\hat{3} - \hat{5} - \hat{5} - \hat{5} - \hat{5} - \hat{3}$ is accompanied entirely by the I chord. At the corresponding point of the second and third verses, however (at "caught up in the **fable**" and then at "crowd had rushed to-**gether**"), the iii chord substitutes for I (because an inner-voice acoustic guitar moves from $\hat{8}$ to $\hat{7}$). Thus, iii is here equivalent to the I which it replaces (because of $\hat{5}$ and $\hat{3}$, common between them, emphasized in the vocal, and because the tiny difference between $\hat{8}$ and $\hat{7}$ is buried in an inner voice), but iii is even closer to I^6 than to I.

6. There are a very large number of chord progressions in popular music that consist of four chords, but for practical purposes far fewer than the billions posited above. In order of decreasing frequency of appearance, based on a study of more than 6,000 tonal songs of the 1950s through the 1970s, the most common major-key progressions opening with I are:

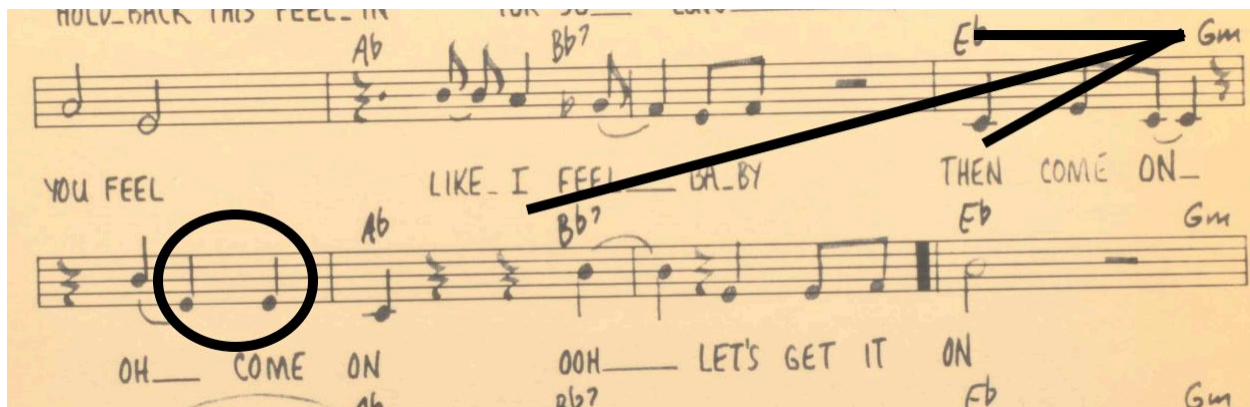
- a. I - vi - IV - V (or its bass-line equivalent, I - vi - ii^6 - V)
- b. I - vi - ii - V (or its bass-line equivalents, I - vi - II - V, or I - IV^6 - ii - V)
- c. I - ii - V - I (or its bass-line equivalent, I - II - V - I)
- d. I - IV - V - I (or its bass-line equivalent, I ii^6 - V - I)
- e. I - iii - IV - I (or its bass-line equivalent, I - I^6 - IV - I)
- f. I - iii - IV - V (or its bass-line equivalent, I - I^6 - IV - V)
- g. I - II - IV - I
- h. I - IV - V - IV
- i. I - vi - IV - I

We will use the term "progression class" to denote groupings of progressions that share the same function. Thus, the "I - iii - IV - V progression class" will also include its equivalents such as I - I^6 - IV - V. (Another member of this class might be the common I - **bIII** - IV - V, but this chromatic form will not be discussed here.)

7. Many other commonly heard four-chord progressions (such as VI - II - V - I or vi - IV - I - V) open with non-I functions; perhaps most ubiquitous are those satirized by the Axis of Awesome in "Four Chords." Among the progression

classes beginning with I listed above, however, **the progression class shared between our exhibits by Marvin Gaye - Edward Townsend and Ed Sheeran, I - iii - IV - V, is uncommon, with far fewer examples than any of those progressions listed above it.** Looking at the lead sheet "deposit copy" of "Let's Get It On," one finds the chord indication "Gm" 34 times. This is the iii chord, spelled G - Bb - D from the bass up in the key of Eb major. Conversely, the "Eb/G" chord, the I6 chord (spelled G - Bb - Eb from the bass up) is not indicated anywhere, and yet the bass line called for by the chord indications above the staff is identical in all cases and as shown in Example 1, the singer is to sing emphatic Ebs (circled) rather than Ds, rendering the "gm" chord (arrow) in actuality a I6 chord, Eb6.

EXAMPLE 1:



In fact, D is a seldom-used pitch in the Gaye - Townsend composition; of the 470 vocal pitches notated in the "deposit copy," there are only eight vocal Ds. In fourteen of the 34 "Gm" chords, there is an Eb present instead of a D, rendering them all true I6 (Eb/G) chords from any perspective. **Thus, it is clear from the Gaye - Townsend written notation that the "iii" chord, Gm, can be performed interchangeably with the "I6" chord, Eb/G, as long as ^3 is played in the bass.** Therefore, Sheeran's band (which performs I6 chords more often than iii chords) performs identical chord progressions to those notated in the Gaye - Townsend deposit copy.

This factor alone does not mark the songs as an example of plagiarism, but is a strong basis for showing them to be based on the same musical structure. One must examine the progression's melodic voicing, its formal role, and its setting in terms

of rhythm and tempo, among other factors that the two songs share or do not share with each other and with the general population of song sources.

B. Melodic Voicing: Structure and Surface Ornamentation

1. Voicing is primarily determined by which chord tones are present in the outer voices, and to a lesser degree in the inner voices. In pop music, the outer voices are articulated by the singer (upper voice) and the bass player (lowest "voice"). Chord tones are identified as root, third or fifth (the constituents of each triad); and possible additions of non-triadic seventh, ninth, eleventh, or thirteenth, and their relationships to the three triad constituents.

2. As suggested in paragraphs A4 and A5 above, triads may be performed with a large number of different possible upper-voice melodic components: The I chord may support vocal scale degrees $\wedge 1$, $\wedge 3$, or $\wedge 5$ as its root, third or fifth. The ii chord may support $\wedge 2$, $\wedge 4$ or $\wedge 6$ in the same way; and iii, $\wedge 3$, $\wedge 5$ or $\wedge 7$. These triadic tones may appear in any combination, repeated or not, and may be ornamented by non-chord tones. For instance, the root of the I chord, $\wedge 1$, may participate in a singer's upper-voice melodic line that moves $\wedge 3 - \wedge 2 - \wedge 1$ over the I chord, the vocal part thereby passing from the triad's third ($\wedge 3$) to its root ($\wedge 1$) through a non-chord tone ($\wedge 2$). Similarly, the iii chord may support an upper-voice line that features a neighboring motion ornamenting the triad's third: $\wedge 5 - \wedge 6 - \wedge 5$. There are an infinite number of ways a single triad may support its upper voice, some arrangements more stable with an emphasis on chord tones, and some more active by their emphasis on non-chord tones.

3. In comparing the melodic vocal pitches for the first two phrases of each of our (a) Marvin Gaye - Edward Townsend and (b) Ed Sheeran exhibits, shown below, note that each example is based on the same repeated chord progression, supporting variations in the vocal parts. For each song, chords are indicated with bold roman numerals, and melodic pitches with regular arabic numerals. Vertical bar lines locate the accented beginnings of measures, each of which contains four beats; semicolons divide the phrases. Although the verse of each song is built upon four hearings of the same progression, the first two phrases (essentially repeated, with ornamental variation, for phrases three and four) are sufficient for comparison purposes.

a. Marvin Gaye - Edward Townsend, "Let's Get It On," first two phrases of verse:

1. I - iii 3 | -4-5-4-b3-2 | IV b3-2-1- | V 1- | 1-2; I - iii b3-2- | b3-2 - | IV 1-6 | V b3- | -2-

b. Ed Sheeran, "Thinking Out Loud," first two phrases of verse:

I - I⁶ 3 | -4-5-4-3-2-1- | IV 2-3-6-1 | V; | I - I⁶ 3- | 4-5-4-3-2-1- 1 | IV - | V

For clarity, the above relationships are shown in the following excerpt, Example 2, taken from the deposit copy of "Let's Get It On," notated with scale-degree numbers placed above the staff and tablature:

EXAMPLE 2:

Handwritten musical notation for "Let's Get It On" by Marvin Gaye. The notation shows two staves with scale-degree numbers (1-6, b3, 2) and chord symbols (Eb, Gm, Ab, Bb) written above and below the notes. The lyrics are: "I'VE BEEN REAL-LY TRY IN BA-BY TRY-IN' TO HOLD BACK THIS FEEL-IN' FOR SO LONG AND IF".

4. Holding aside rhythmic similarities for the moment, the two melodies exhibit many identical elements with pitch alone, all accented in relation to their ornamental differences:

a. Both melodies begin on chord tone [^]3, ascend stepwise through non-chord tone [^]4, and reach up to chord tone [^]5 before falling stepwise. The onsets of both vocal melodies are delayed until the second chord, iii (Gm), appears. In both cases, [^]5 appears midway through the first full measure of the phrase.

b. Both melodies descend stepwise from [^]5 to [^]1: The Gaye - Townsend composition directs the performer to luxuriate in the descent,

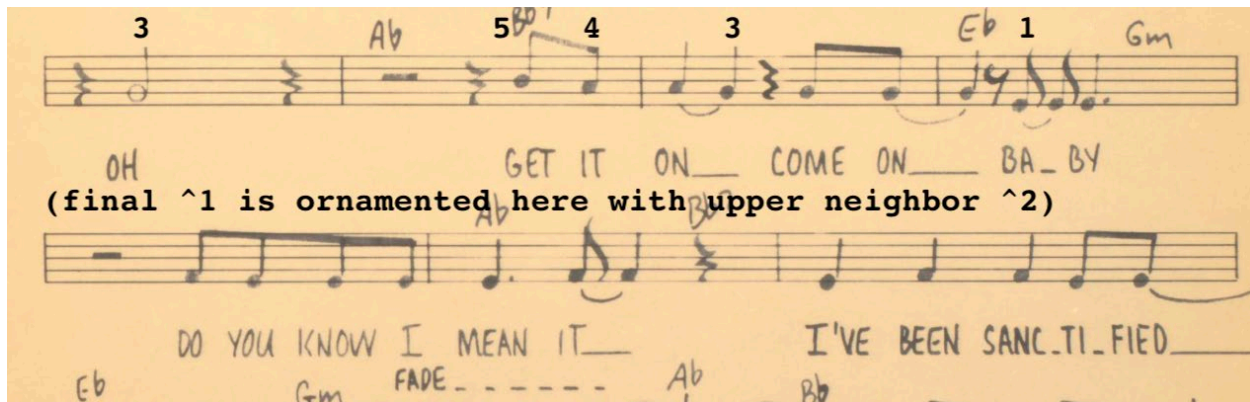
ornamenting $\wedge 3$ with a $\wedge b3$ blues inflection (which appears as a dissonant seventh over the IV chord); Sheeran descends more quickly to $\wedge 1$ before IV appears, but then moves to $\wedge 3$ as the dissonant seventh over the IV chord.

c. In the second phrase's recurring IV chord (Ab), Gaye - Townsend moves from $\wedge 2$ to chord tones $\wedge 1 - \wedge 6$. In his first phrase's IV chord, Sheeran accents non-chord tone $\wedge 2$, then moves to chord tones $\wedge 6 - \wedge 1$.

d. Perhaps most tellingly, both melodies end with an ornamented $\wedge 1$ in the vocal despite the fact that all phrases end on V (which is normally most characteristic in withholding $\wedge 1$), making for the same tension-filled, non-resolving non-chord tones in the phrases' climaxes.

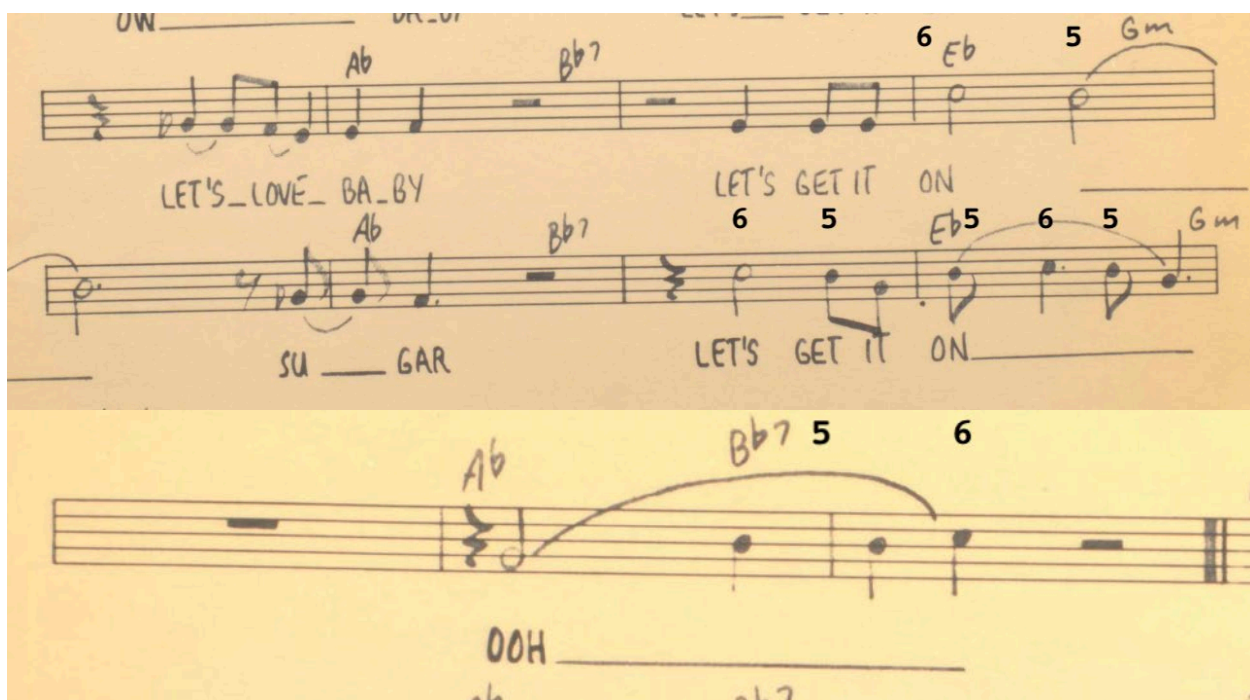
5. Regarding the differences noted in paragraph 4b just above, one might argue that in general, melodies may be marked if they feature chromatic adjustments to pitches: $\wedge b3$, for instance, or $\wedge \#4$ or $\wedge b7$. In our exhibits, clearly shown in the deposit copy, Gaye - Townsend often ornaments $\wedge 3$ by directing one to sing $\wedge b3$ instead, as when the composition directs the performer to luxuriate on the initial descent, ornamenting $\wedge b3$ with lower neighbor $\wedge 2$. Sheeran, on the other hand, never performs $\wedge b3$. The difference is a stylistic one, and not related to the song's fundamental pitch structure. When Pat Boone would perform Little Richard's songs, his covers became "whitebread" performances by omitting Richard's blues-based flatted tones. In the same way, Sheeran is making an autotuned pop cover out of Gaye - Townsend's R&B model, rather than recomposing it. For their part, Gaye and Townsend rarely have flatted tones in verses appearing after the first. In fact, the last statements of the Gaye - Townsend verse phrases appearing just before the fade, shown below in Example 3, contain no flatted notes but still conform to the $\wedge 3$ -rising to- $\wedge 5$, then falling to- $\wedge 1$ structure, anticipating Sheeran's performance:

EXAMPLE 3:



6. The Gaye - Townsend composition frequently ornaments $\wedge 5$ in an upper voice with its non-chord tone upper neighbor $\wedge 6$, as in this excerpt, Example 4:

EXAMPLE 4:



In each of these 6-5 combinations, $\wedge 6$ (C) is a neighbor to $\wedge 5$ (Bb), because $\wedge 5$ is the chord tone (a member of both Eb and Bb7 chords), whereas C comes from outside the chord. Sheeran frequently ornaments $\wedge 5$ with its non-chord tone upper neighbor $\wedge 6$ in an obtrusive guitar part, as at 0:13 - 0:14, where this ornament

expresses the upper voice by virtue of the vocal rest. **Thus, both songs use the same pitch relationship in the same voice for the same ornamental function relating the same scale degree to the same non-chord tone.**

7. The Gaye - Townsend composition's upper-voice emphasis on $\wedge 5$ and $\wedge 3$ shown throughout the deposit copy is unusual when supported by the iii chord, which is more characteristic with $\wedge 7$ in the upper voice. This $\wedge 7$ is more typically part of a descending line, such as $\wedge 8 - \wedge 7 - \wedge 6 - \wedge 5$, each pitch sustaining (with possible ornamentation) over one chord within the I - iii - IV - V progression. Examples of this combined upper voice and chord progression are ubiquitous and appear in all of the following, each released before "Let's Get It On":

- a. Pat Boone, "Gee, But It's Lonely"
- b. Larry Hall, "Sandy"
- c. Cathy Jean & the Playmates, "Please Love Me Forever"
- d. Jay & the Americans, "Cara Mia"
- e. Dickey Lee, "Patches"
- f. The New Christy Minstrels, "Green, Green"
- g. Peter, Paul & Mary, "Puff (The Magic Dragon)"
- h. Jimmy Clanton, "Venus in Blue Jeans"
- i. Gerry & the Pacemakers, "Ferry Across the Mersey"
- j. Diane Renay, "Navy Blue"
- k. Ed Ames, "My Cup Runneth Over"
- l. Donovan, "Hurdy Gurdy Man"

Closely related is the upper-voice $\wedge 8 - \wedge 7 - \wedge 6 - \wedge 7$, as heard in the introduction to the Seekers' "Georgy Girl." We also sometimes hear $\wedge 8 - \wedge 7 - \wedge 8 - \wedge 7$, as in Tony Orlando's "Bless You." **Because neither the Gaye - Townsend composition nor Sheeran in his performance are interested in the upper-voice $\wedge 7$, the melodies in the Gaye - Townsend deposit copy and the Sheeran recording are marked as deviant from the most common vocalization against iii in this specific progression, further supporting the connection of class members I - iii - IV - V and I - I⁶ - IV - V in these exhibits.**

C. Formal Relationships

1. Songs with verse-chorus structure alternate verses featuring different sets of lyrics against choruses, which essentially repeat their lyrics. Many songs include other sections such as bridges, introductions, refrains, pre-choruses, instrumental breaks, codas and fade-outs, plus smaller-scale variations that add, subtract, extend or curtail phrases within any of these parts. Additionally, sections such as verses themselves may constitute couplets, twelve-bar forms, bar forms, SRDC forms, or other patterns.

2. Both Gaye - Townsend and Sheeran present us with verse-chorus examples that include contrasting sections (referred to here as bridges) as well. In both songs, verses are composed of couplets formed of a repeated line. One line of each couplet is shown in paragraph B3 above; in both songs, the repeated line itself contains a repeated progression (in the Gaye - Townsend model, the repeated progression is Eb - Gm - Ab - Bb7). Each verse, then, in both songs, contains one progression heard four times, supporting a longer line performed twice. In both songs, the chorus (bars 17-32 in Gaye - Townsend, shown below in Example 5, and 1:20-1:50 in Sheeran) is also in the identical pattern, lines heard over four performances of the I - iii - IV - V progression class (four times through the progression, Eb - Gm - Ab - Bb7, numbered parenthetically in Ex. 5); in Sheeran, a short double-time two-bar suffix extends the last repetition.

EXAMPLE 5

Handwritten musical notation for the chorus of a song, showing four repetitions of a progression. The notation includes lyrics and chord symbols.

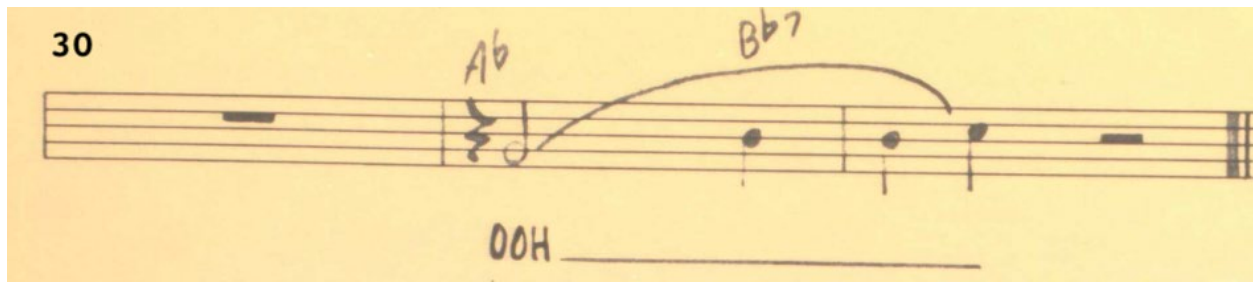
CHORUS: (1) Eb Gm

18 OH COME ON OOH LET'S GET IT ON (2) Eb Gm

22 OW BA-BY LET'S GET IT ON (3) Eb Gm

26 LET'S LOVE BA-BY SU GAR LET'S GET IT ON (4) Eb Gm

Chord symbols: Ab, Bb7, Eb, Gm.



Thus, both songs share the same formal structure at sub-phrase (4-bar progression), phrase (8 bars, repetition of progression), section (16 bars of two phrases), and multi-section levels (verse, chorus, bridge), and in each case, identical harmonic materials fill the structures.

3. In relation to other parts of songs, the I - iii - IV - V progression class may appear as part of any number of functions within the formal structure:

The I - iii - IV - V progression . . .

- a. . . . may be repeated once to constitute the entire verse, to then be followed by a bridge, as in Peter & Gordon's "I Go to Pieces."
- b. . . . may be heard four times, constituting the entire verse, to be followed by a bridge, as in the Stone Poneys' "Different Drum."
- c. . . . may be repeated to open the verse, then lead to a single concluding phrase for a bar form, as in the Beach Boys' "I Can Hear Music."
- d. . . . may be repeated to open the verse, and then move to a contrasting two-phrase refrain, as in the Turtles' "You Baby," the Seekers' "Georgy Girl," or Donovan's "Hurdy Gurdy Man"
- e. . . . may open both the antecedent and consequent phrases of a period, each time followed by a contrasting passage that leads to cadence, as in Peter, Paul & Mary's "Puff (The Magic Dragon)" or the Toys' "A Lover's Concerto."

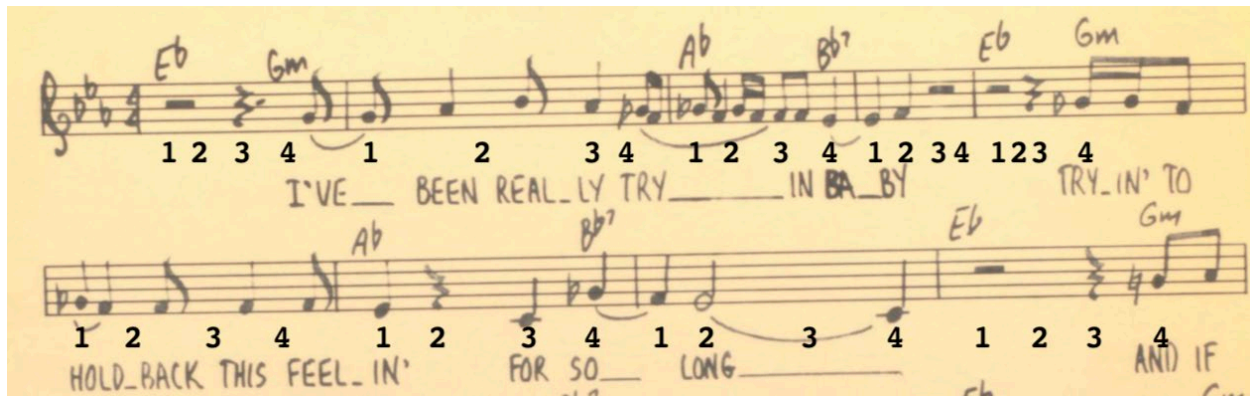
- f. . . . may be repeated within both the antecedent and consequent of a period (without contrasting passages), as in Bob Dylan's "Sad-Eyed Lady of the Lowlands."
- g. . . . may function as a varied repetition, such as when I - iii - IV - I is followed by I - iii - IV - V, as in the Cyrkle's "Red Rubber Ball."
- h. . . . may appear as a contrasting idea, such as in the D-gesture of an SRDC structure, as in Dickey Lee's "Patches" and "Laurie (Strange Things Happen)."
- i. . . . may appear as the basic idea of a sentence structure, as in Oliver's "Jean."
- j. . . . may appear as one of four different progressions within a single verse, as in Ed Ames' "My Cup Runneth Over."
- k. . . . may be repeated in a one-part, strophic form, as in the Four Seasons' "Opus 17 (Don't You Worry 'Bout Me)."
- l. . . . may be withheld until the chorus, as in Jay & the Americans' "Walkin' in the Rain."
- m. . . . may be withheld until the bridge, as in the Beatles' "I Feel Fine."

Most four-chord loops (repetitions of the four-chord pattern) do not contain the iii chord; witness I - VI - II - V, the basis of the ubiquitous "Rhythm" changes, as in the Beatles' "Rocky Raccoon" (see paragraph A7 above). When the iii (III) function is repeated multiple times as a continuous loop, it is nearly always given a bluesy flattening, as in the I - **bIII** - IV - IV**b** of the Yardbirds' "For Your Love" or the I - **bIII** - IV - **bVI** of the Monkees' "(I'm Not Your) Steppin' Stone." See also, for instance, the I - IV - V - IV loops of the Kingsmen's "Louie Louie" or the McCoys' "Hang on Sloopy." **It is very unusual to repeat the I - iii - IV - V progression as a loop without contrast, and beyond rare to do so throughout the entirety of both verses and choruses; the Commodores' "Easy" is the only such example known to me other than our Gaye - Townsend and Sheeran exhibits.**

D. Rhythm including Syncopation

1. Syncopation, which is the accentuation of a beat that occupies a normally weak metric position (such as the backbeat or offbeat), is also a telltale marker that unites our Gaye - Townsend and Sheeran exhibits in unusual ways. In songs that include the I - iii - IV - V progression class, chords typically change every four beats (a full bar), providing a "harmonic accent" on strong downbeats (the first beat of every bar). Syncopated chord changes, occurring on weak beats, are much less common, but these are heard in both Gaye - Townsend and Sheeran exhibits. The following excerpt, Example 6, numbers every beat below each staff. Beats 1 and 3 are always metrically strong in relation to beats 2 and 4 (the backbeats). Accenting weak beats by playing on the backbeat creates syncopation. In the deposit copy, convention would have all chord changes notated on the strong first beat of every bar, but note that in Example 6, each Gm chord and Bb7 chord occurs early, on the weak fourth beat of the previous bar. This creates a very characteristic syncopation. Note that not only are the chord changes syncopated, but so is the vocal line; see how for nearly all syncopated Gm and Bb7 chords, the voice articulates a syllable on a weak beat and ties or slurs it across a barline (see "I've," "baby," and "so").

EXAMPLE 6:



A search of our sample of 6,000 songs (all top-twenty hits plus hundreds of album tracks) from 1955 to 1975 reveals only a small handful that contain examples of syncopated changes within the I - iii - IV - V progression class. All are listed here.

- a. The Seekers' "Georgy Girl" has the following harmonic rhythm:

I (on downbeat) - iii (on the weak fourth beat) - IV (on the following downbeat) - V (on the weak fourth beat).

- b. The Grass Roots' "Sooner or Later": each chord change appears on the anticipatory weak half of a weak fourth beat.
- c. Marvin Gaye's "Let's Get It On": I (on downbeat) - iii (on the weak fourth beat) - IV (on the following downbeat) - V (on the weak fourth beat).
- d. Ed Sheeran's "Thinking Out Loud": I (on downbeat) - iii (on the weak fourth beat) - IV (on the following downbeat) - V (on the fourth beat).
- e. Two well-known examples of a similarly syncopated four-chord progression (accenting first a downbeat, then the anticipatory weak half of a weak fourth beat, then this pattern repeated), Wilson Pickett's "In the Midnight Hour" and Eddie Floyd's "Knock on Wood," are based on a different four-chord progression: the minor-pentatonic **bVII5 - V5 - IV5 - bIII5 - I5** in the former and **I5 - bIII5 - IV5 - V5 - bVII5** in the latter. (Steve Cropper is said to have had the idea of inverting the former's progression for the latter recording.)

Thus, the Gaye - Townsend and Sheeran exhibits are two of only three songs in our 6,000-song sample using the I - iii - IV - V chord progression class that share the same pattern of syncopated chord changes, the third being "Georgy Girl."

2. Melodies are marked by which vocal pitches are metrically accented in relation to others, which appear directly with the chord changes (the strongest accent, especially when aligning with first beats of measures) and which appear in weaker metric locations. As shown in the examples given in paragraph B3 above, **both Gaye - Townsend's and Sheeran's vocal melodies begin in metrically weak positions, delaying the singing of the lyrics until the second chord appears. Also in both cases, ^5 appears midway through the second bar of the phrase.** (This can be seen in Example 6 directly above.)

3. Whereas in most songs, verses maintain the same or similar rhythms one after the other, both Gaye - Townsend and Sheeran provide a great deal of extemporaneous rhythmic abandon in verses that appear after the first, especially

ending phrases in different places (on beat 3, on the second half of beat 3, on beat 2, etc.), thus **both the Gaye - Townsend composition and Sheeran expressing the same degree of rhythmic freedom on the musical surface.** Illustrations of the rhythmic variation can be found in the last syllables of each unique phrase shown in the examples quoted above:

- Ex. 2: "baby" is articulated on beat 4
 "long" is articulated on beat 2
- Ex. 3: "baby" is articulated on the second half of beat 2
 "sanctified" is articulated on beat 3
- Ex. 5: "Ow" is articulated on beat 2
 "baby" is articulated on beat 2 then on beat 1
 "sugar" is articulated on the second half of beat 4
 "Ooh" is articulated on beat 2

E. Correspondence of Lyrics and Music

1. Both Gaye - Townsend and Sheeran exhibits are expressions of a single theme: both are romantic songs, in each a man gently asking a woman for physical lovemaking, and both betraying an inner tension with numerous sorts of struggles. Gaye - Townsend expresses this as sexual tension: "I've been really tryin', baby, tryin' to hold back this feelin' for so long," whereas Sheeran displaces the tension: "when your legs don't work like they used to before." While this is a common theme, and the lyrics of the two songs do not intersect in particulars, the two musical settings are identical in ways that support the same theme and their respective lyrics.

2. The chord loop in each song, because it ends in a tension-filled V chord that does not resolve to I within the phrase, constantly sets up expectations in Gaye - Townsend of release that never comes, and only occurs in Sheeran in his two-bar suffix to the chorus (an extension mentioned in paragraph C2 above). **More singular is the fact that in both songs, phrases that conclude on V never harmonize the upper-voice ^1 with which each vocal phrase ends, the ^1 never moving to members of the V chord such as ^2 or ^7, but instead being left unresolved.** The perfect illustration is seen in Example 5, bar 24, where "Let's get it" is sung on a repeated non-resolving ^1 while the V7 chord (Bb7) is sustained; exactly the same dissonant expression appears at "for so long" in Example 6.

4. Most rock and pop singing is syllabic, one pitch sung for each syllable. Gaye and Townsend often direct the singer to perform melodically to express a soulful purgation, the free release of inner tension, with multiple pitches sung per syllable. Sheeran performs "Thinking Out Loud" the same way. Extended melismas occur numerous places in the Gaye - Townsend composition, such as in:

Ex. 1: "try-" sung on six pitches, repeating $g\flat - f (^{\flat}3 - ^{\flat}4)$ multiple times

Ex. 3: "On" sung on two long pitches, $c - b\flat (^6 - ^5)$, then "On" on four pitches, $b\flat - c - b\flat - g (^5 - ^6 - ^5 - ^3)$

Gaye - Townsend's most expressive melisma is notated over the tense retransitional V at the end of the second bridge. As shown in Example 7, below, the syllable "bush" requires eight pitches, $g - a\flat - g - a\flat - g - f - g - f (^3 - ^4 - ^3 - ^4 - ^3 - ^2 - ^3 - ^2)$, two of them extended with syncopations crossing barlines:

EXAMPLE 7:



In Sheeran, such extended melismas are performed at 1:21, 2:04, 2:48, 3:58, and 4:33, for a similar distribution in number as appearing in Gaye - Townsend.

In summary, comparison of the Gaye - Townsend deposit copy with the Sheeran recording yields a number of correspondences: both songs share the same repeated four-chord progression. Both feature melodies based on the same distinctive structural shape, including similar relations between vocal tones and underlying chords, and both display the same rhythmic freedom. Both songs share the same formal structures at all levels, from surface phrases to largest sections. Both are among the only three known songs to share the same syncopation of the repeated four-chord pattern. The sharing of all of these elements strongly evidence copying by Sheeran of Gaye - Townsend.

Part II

Introduction

In addition to the factors enumerated in Part I, a comparison of Ed Sheeran's recording with Marvin Gaye's 1973 hit recording shows additional commonalities not revealed when considering the lead-sheet deposit copy alone.

F. Chord Progression

Expanding upon ¶ A7 in Part I:

As discussed above, the Gaye - Townsend and Sheeran exhibits share a progression class, I - iii - IV - V, an uncommon one among those progressions opening with I. Through most of "Let's Get It On," no $\wedge 7$ can be heard in any inner voices, rendering its "iii" absolutely identical to I6 (see paragraph A4 above), meaning that the two songs share identical harmonic progressions. In listening to Gaye's recording, one can hear that of the 34 "Gm" chords shown in the deposit copy, fourteen include an Eb instead of D, making them effectively I6 chords instead of the "Gm" indications of iii chords. In 24 of the 34 chords, there is no D anywhere in the vocal or accompanimental texture as heard. In fact, D is a seldom-used pitch in Gaye's performance; of the 451 vocal pitches heard in the recording, there are only five vocal Ds. In fourteen of these resulting "Gm" chords, there is an Eb present instead of a D, rendering them true I6 chords from any perspective.

Thus, it is clear from a comparison of the Gaye recording and the the Gaye - Townsend deposit copy that the "iii" chord, Gm, can be performed interchangeably with the "I6" chord, Eb/G, as long as $\wedge 3$ is played in the bass. Therefore, Sheeran's band performs identical chord progressions to those heard in the Gaye recording.

G. Melodic Voicing: Structure and Surface Ornamentation

One factor not appearing in the deposit copy but clear in the recordings shows how Sheeran modeled his performance on Gaye's recording. Among other performance values, Gaye often sings in falsetto, forcing his voice above the upper extreme of its high natural range. The first such appearance is with the interjectory syllable, "who!" on a high $\wedge 1$ at 0:25, contrasting with the following chorus, which begins in Gaye's lowest register; this falsetto "who" reappears throughout the hit recording. Sheeran, who has the same high range, makes frequent use of falsetto, often in word trail-offs (as on "oh" at 3:33-34), but sometimes quite up front, as in the sustained word "same" at 2:54.

H. Formal Relationships

In both songs, bridges lead to retransitional stop-time solo singing over climactic V chords that introduce choruses while nearly all of the pitched accompaniment drops out (2:20-2:22 in Gaye, 0:56-1:19 in Sheeran). The Bb7 chord, the only time it is sustained for four full bars in the entire song, is the climactic V chord.

I. Tempo and Syncopation

Tempo is a very strong additional mark of distinction that pairs our two exhibits. Songs with four beats per measure (the same meter as in Gaye and Sheeran) that include the I - iii - IV - V progression-class range from a slow 72 beats per minute (as in Connie Francis's "Where the Boys Are") to a fast 160 bpm (as in Bobby Rydell's "Forget Him"). **Both Gaye and Sheeran recordings proceed at the same, at 80 bpm (\pm 2 bpm, as they both fluctuate slightly). Not a single other song in our 6,000-song sample that includes a I - iii - IV - V or I - I⁶ - IV - V progression has the same slow tempo.**

In regard to §D1 in Part I, all other known such examples of syncopated changes within the I - iii - IV - V progression class, listed again here, have a tempo much faster than Gaye's and Sheeran's 80 bpm:

- a. The Seekers' "Georgy Girl": Tempo: 152 bpm.
- b. The Grass Roots' "Sooner or Later": Tempo: 126 bpm.
- c. Marvin Gaye's "Let's Get It On": Tempo: 80 bpm.
- d. Ed Sheeran's "Thinking Out Loud": Tempo: 80 bpm.
- e. Wilson Pickett's "In the Midnight Hour": Tempo: 116 bpm; Eddie Floyd's "Knock on Wood": Tempo: 104 bpm.

Thus, the Gaye and Sheeran exhibits are two of only three songs in our 6,000-song sample using the I - iii - IV - V chord progression class that share the same pattern of syncopated chord changes, the third being "Georgy Girl," as well as being the only two such examples with that progression class to move at the tempo of 80 bpm.

Summary

To encapsulate the above arguments, focusing on the correspondences between Gaye - Townsend's "Let's Get It On" and Sheeran's "Thinking Out Loud," first addressing elements shared with the deposit copy:

- Both songs are based on the same progression class (I - iii - IV - V), indeed mostly on exactly the same progression, I - I⁶ - IV - V.
- Both songs use this progression as a loop in both verse and chorus passages.
- Both upper-voice melodies are based on the shape, ^3 - ^4 - ^5 - ^4 - ^3 - ^2 - ^1, which then moves to scale degrees ^6, ^1 and ^2, with identical accents.
- Both songs emphasize as scale degrees upper-voice ^5 and ^3 over the iii chord, as opposed to the more usual ^7 over iii.
- Both songs end cadential phrases on a non-resolving upper-voice ^1, even though this is not a member of the goal V chord. In both cases, the lack of tension resolution is related to the song's underlying theme.
- Both songs share the same formal structure at sub-phrase, phrase, section, and multi-section levels.
- Both songs share the same identical syncopated rhythm of chord changes.
- Both songs' vocal melodies begin in the same markedly weak metrical location, and in both, the vocal goal of ^5 is achieved at the same metrical position within the phrase.
- Both songs have a similar distribution of vocal melismas, expressing in both a similar theme.

When one considers the "Let's Get It On" sound recording, additional commonalities emerge:

- Both songs have the identical tempo of 80 beats per minute (± 2 bpm, as above), uniquely for the chord progression.

- In both recordings, the repeated chord progression is played in such a way to make the "iii" chord absolutely identical to the "I6" chord, bringing the two songs even closer together.
- In both recordings, most instrumentalists drop out for a moment of "stop time" precisely at the end of the bridge's retransition, enabling the singer to prolong the climactic V chord with solo singing.
- Sheeran's recording—notably his strategic use of falsetto voice—is clearly modeled after Gaye's recording.

It has been shown above that the combination of two or three of the above factors occurs only in these two songs. The fact that all factors are held in common proves the case.

I have not testified at trial or in deposition in the last four years.

I am being compensated at the rate of \$275 per hour for the preparation of this report and for any testimony at deposition or at trial.

A handwritten signature in black ink, appearing to read "Walter T. Everett". The signature is stylized with a large, sweeping "W" and a long, horizontal stroke extending to the right.

Walter T. Everett

6 May 2020

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Education:

Private study in Schenkerian analysis with John Rothgeb, 1986-1990.

Ph.D. in Music Theory (1988), School of Music, The University of Michigan. Dissertation: "A Schenkerian View of Text-Painting in Schubert's Song Cycle *Winterreise*" (ix/325 pp.).

M.M. in Music Theory (1984), College-Conservatory of Music, The University of Cincinnati. Thesis: "The Beatles as Composers" (xi/273 pp.).

B.S. in Music Education; piano concentration (1976), Gettysburg College.

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The University of Michigan School of Music, Theatre & Dance:

Professor of Music (since 2006).

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Eastern Illinois University:

Instructor in Music Theory (1987, 1983).

Interlochen Arts Camp:

Instructor (Summer 1990).

Guest Lecturer, University Division (Summer 1982).

College-Conservatory of Music, The University of Cincinnati:

Visiting Lecturer (1981). Course on the music of the Beatles.

Graduate Student Teaching Assistant (1979-80).

Courses taught, University of Michigan (most recent date of each offering is given)

MT 111: The Foundations of Rock for non-music majors (Winter 2011).
 MT 135: Introduction to Music Theory for Musical Theatre students (Fall 2008).
 MT 149: Basic Musicianship: Writing Skills I (Fall 2013).
 MT 150: Basic Musicianship: Writing Skills II (Winter 2020).
 MT 160: Basic Musicianship: Writing Skills II for accelerated students (Winter 2019).
 MT 236: Introduction to Music Analysis for Musical Theatre students (Winter 2008).
 MT 249: Basic Musicianship: Writing Skills III (Fall 2016).
 MT 250: Basic Musicianship: Writing Skills IV (Winter 2017).
 MT 250: Basic Musicianship for Accelerated Students (Fall 2018).
 MT 334: Graduate survey course in writing skills (Fall 2019).
 MT 405: Interpreting the Music of the Beatles for non-music majors (Winter 2012).
 MT 407: Undergraduate independent study (Winter 2016).
 MT 430: Advanced Analysis of Tonal Music for undergraduates (Winter 2010).
 MT 430/530: Analysis of Twentieth-Century Music (Winter 2002).
 MT 435/535: Analysis of Pop-Rock Music for music majors (Fall 2020).
 MT 460/560: Music of the Beatles for music majors and grad students (Fall 2019).
 MT 461: Advanced Analysis of Tonal Music for graduates (Winter 2009).
 MT 506: Graduate Seminar in the Analysis of Tonal Vocal Music (Winter 1997).
 MT 531: Introductory Schenkerian Theory and Analysis (Fall 2012).
 MT 532: Advanced Schenkerian Theory and Analysis (Winter 2020).
 MT 537: Doct. Seminar in Single Works by Bach, Beethoven and Webern (Winter 2016).
 MT 551: Doct. Sem. in the Analysis of the Concerto from Mozart to Brahms (Winter 2001).
 MT 590: Pedagogy of Music Theory (Winter 2013).
 MT 721: Doct. Seminar in Twentieth- and Twenty-First Theories (Winter 2015).
 MT 805: Doct. Seminar in the Analysis of Rock Music for theorists (Winter 2011).
 " . Doct. Seminar for theorists in the Analysis of Tonal Song (Winter 2003).
 " . Doct. Seminar for theorists on Sex and Gender in Popular Music (Fall 2020).
 MT 807: Graduate independent study (Fall 2018).
 MT 995: Dissertation advising (Fall 2019).
 Dissertation advisees: Nathaniel Adam (Lecturer, Yale University), Jacob Arthur (current),
 Deborah Burton (Associate Professor, Boston University).

Research:

Books as Author:

The Foundations of Rock From "Blue Suede Shoes" to "Suite: Judy Blue Eyes." New York: Oxford University Press, 2009. 425 + xvi pages.

Funded by an NEH Fellowship (2003-2004) and grants from the University of Michigan and the Society for Music Theory, this book introduces the general reader to the worlds of timbre, form, melodic materials and construction, harmonic function and color, rhythmic and accentual patternings, the parsing of lyrics, the role of engineering, and modes of critical contextualization and interpretation, through a selection of the seven thousand examples studied from this revolutionary body of music. An accompanying website illustrates the book's arguments with 285 original audio examples and 125 photographs. Reviewed in *Journal of Music Theory*, *Music Analysis* and *Journal of the Society for American Music*.

The Beatles as Musicians, The Quarry Men through Rubber Soul. New York: Oxford University Press, 2001. 452 + xix pages.

The Beatles as Musicians, Revolver through the Anthology. New York: Oxford University Press, 1999. 395 + xix pages.

Spanish translation, *Los Beatles como músicos*, published by Eterna Cadencia (Buenos Aires, Argentina), 2013.

These books represent a detailed, chronologically ordered study of the Beatles' performance practice and composition, from their earliest group efforts in 1957 to the band's demise in 1970. Not only published recordings, but many outtakes, rehearsals, compositional sketches, and incomplete songs are the basis of this recording-based study. A potential third volume, covering the solo music of the ex-Beatles, is envisioned. While written for the professional music researcher, this project has gained a wide audience among the general public, with very favorable reviews in *MOJO*, *Goldmine*, and *Beatlefan* as well as in *MLA Notes*, *Music Theory Spectrum*, *Music Analysis*, *The Journal of Musicological Research*, and *Music Theory Online*. See also one knowledgeable fan's extensive review at <http://www.hammo.com/beethoven>.

Books as Co-Author:

What Goes On: The Beatles, Their Music and Their Time, textbook and extensive multimedia materials for non-music majors, co-authored with Tim Riley. Oxford University Press, 2019.

Sex and Gender in Rock and Pop from the Beatles to Beyoncé, trade book with multimedia materials for a general readership, co-authored with Katie Kapurch. Under contract with Bloomsbury Press, MS due in Dec. 2021.

Books as Editor:

Expression in Pop-Rock Music: Critical and Analytical Essays. 2nd Edition, New York: Routledge Press, 2007. (1st edition, New York: Garland Publishing, 2000). Nominated for the Tenth Annual Gleason Award. Reviewed in *Music and Letters*, *Popular Music*, and *MLA Notes*.

American Rock and the Classical Music Tradition, a special issue of *Contemporary Music Review* (18/4). Co-edited with John Covach. London: Harwood Academic Publishers, 2000.

Traditions, Institutions, and American Popular Music, a special issue of *Contemporary Music Review* (19/1). Co-edited with John Covach. London: Harwood Academic Publishers, 2000.

Book Chapters (most available at academia.edu):

- "*Lepidopteron cum strabismus*: The Hidden Promise of Vanessa, the Erratic Adolescent Doodler," for second volume of *Song Interpretation in 21st-Century Pop Music*, ed. Ralf von Appen, André Doebling, Dietrich Helms and Allan F. Moore. MS submitted January 2019.
- "The Beatles' 'Day Tripper': A Tortured Stretching of the Twelve-Bar Blues," *The Routledge Companion to Music Theory Pedagogy*, ed. Leigh vanHandel. Routledge, 2020.
- "The Love There That's Sleeping: Guitars of the Early Beatles," *The Beatles in Context*, edited by Ken Womack. Cambridge University Press, 2020.
- "Children of Nature: Origins of the Beatles' *Tabula Rasa*," in *The Beatles through a Glass Onion: Reconsidering the White Album*, ed. Mark Osteen, ed. The University of Michigan Press, 2019.
- "Death Cab for Cutie's 'I Will Follow You into the Dark' As Exemplar of Conventional Tonal Behavior in Recent Rock Music." In *Song Interpretation in 21st-Century Pop Music*, ed. Ralf von Appen, André Doebling, Dietrich Helms and Allan F. Moore. London: Ashgate, 2015, pp. 9-28.
- "Any Time at All: The Beatles' Free Phrase Rhythms." In *The Cambridge Companion to the Beatles* ed. Kenneth Womack. Cambridge University Press, 2009, pp. 183-99.
- "New Drummer Ringo Starr." In *Read the Beatles: Classic and New Writings on the Beatles, Their Legacy, and Why They Still Matter*, ed. June Skinner Sawyer and Astrid Kirchherr. Penguin Books, 2006, pp. 292-95.
- "Painting Their Room in a Colorful Way: The Beatles' Exploration of Timbre." In *Reading the Beatles: Cultural Studies, Literary Criticism, and the Fab Four* ed. Kenneth Womack and Todd Davis. State University of New York Press, 2006, pp. 71-94.
- "Detroit and Memphis: The Soul of *Revolver*." In *"Every Sound There Is": The Beatles' Revolver and the Transformation of Rock and Roll*, ed. Derek Scott and Russ Reising. London: Ashgate, 2002, pp. 25-57.
- "Confessions from Blueberry Hell, or, Pitch Can Be a Sticky Substance." In *Expression in Pop-Rock Music: A Collection of Critical and Analytical Essays*, ed. Walter Everett. Garland Publishing, 2000, pp. 269-345. Sizeable portion of this essay also published as "Sistemi tonali nelle Musiche Pop/Rock: Un'Introduzione," *Rivista di Analisi e Teoria Musicale* 2002/2 (79-114), as translated by Roberto Agostini, Luca Marconi, and Stefano Mengozzi. Revised as "Pitch Down the Middle" for Routledge edition of *Expression in Pop-Rock Music*, pp. 111-174.
- "The Learned vs. the Vernacular in the Songs of Billy Joel," for *American Rock and the Classical Music Tradition*, a special issue of *Contemporary Music Review*, 18/4, devoted to the relations between Concert and Popular Musics. London: Harwood Academic Publishers, 2000, pp. 105-129. Reprinted in *Rock Music*, ed. Mark Spicer for The Library of Essays on Popular Music. Ashgate, 2011.

Book Chapters, *cont'd*:

"Swallowed by a Song: Paul Simon's Crisis of Chromaticism." In *Understanding Rock*, ed. John Covach and Graeme Boone. Oxford University Press, 1997, pp. 113-153.

"'High Time' and Ambiguous Harmonic Function." In *Perspectives on the Grateful Dead*, ed. Rob Weiner, Greenwood Press, 1999, pp. 119-125.

"The Beatles as Composers: The Genesis of *Abbey Road*, Side Two." In *Concert Music, Rock, and Jazz Since 1945: Essays and Analytical Studies*, ed. Elizabeth West Marvin and Richard Hermann, University of Rochester Press, 1995, pp. 172-228.

Also contributed about fifty pop-music examples for Miguel Roig-Francoli's textbook, *Harmony in Context* (McGraw-Hill, 2001).

Juried Journal Articles (most available at academia.edu):

"If You Become Naked: Sexual Honesty in the Beatles' *White Album*," co-authored with Katie Kapurch, accepted for publication in *Rock Music Studies*[(in print)].

"Becoming Beethoven: Theorizing *Bonner Zeit* Transitions," *Music Theory & Analysis* 7/2 (Spring 2020) [in print].

"The Representation of Meaning in Post-Millennial Rock." *Black Box Pop: Beiträge zur Populärmusikforschung* 38 (2012): 149-69. Free download available at <http://aspm.ni.lonet2.de/info/beitraegealt.html>

"If You're Gonna Have a Hit': Intratextual Mixes and Edits of Pop Recordings." *Popular Music* 29/2 (2010): 229-250. Reprinted in Lori Burns, ed., *The Pop Palimpsest: Intertextuality in Recorded Popular Music* (University of Michigan Press, 2017).

"Beyond the Palace: Casing the Promised Land." [A study of the theme of transcendence in the songs of Bruce Springsteen] *Interdisciplinary Literary Studies* 9/1 (Fall 2007): 81-94.

"Westergaard's Theory of Tonal Rhythm." *In Theory Only* 13/5-8 (June 2007): 35-53.

"Deep-Level Portrayals of Directed and Misdirected Motions in Nineteenth-Century Lyric Song." *Journal of Music Theory* 48/1 (Spring 2005), pp. 25-68.

"Making Sense of Rock's Tonal Systems" *Music Theory Online* 10/4, December 2004 (15,700 words).
<http://www.societymusictheory.org/mto/issues/mto.04.10.4/toc.10.4.html>
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"A True Story: The Expression of Troubling Societal Values in the Music of Postmodern Rock." *Genre* 34 (Fall-Winter 2001): 205-218.

"The Future of Beatles Research." *Beatlestudies* 3 (2001): 25-44.

"Voice Leading and Harmony as Expressive Devices in the Early Music of the Beatles: 'She Loves You'." *College Music Symposium* 32 (1992): 19-37.

Juried Journal Articles, *cont'd*:

- "Text-Painting in Mozart's Three *Lieder* (KV 596-598) of 14 January 1791." *Mozart-Jahrbuch* 1991: 201-05.
- "Voice Leading, Register and Self-Discipline in *Die Zauberflöte*." *Theory and Practice* 16 (1991): 103-26.
- "Grief in *Winterreise*: A Schenkerian Perspective." *Music Analysis* 9/2 (July 1990): 157-75.
- "Text-Painting in the Foreground and Middleground of Paul McCartney's Beatle Song, 'She's Leaving Home': A Musical Study of Psychological Conflict." *In Theory Only* 9/7 (March 1987): 5-21.
- "Fantastic Remembrance in John Lennon's 'Strawberry Fields Forever' and 'Julia'." *The Musical Quarterly* 72/3 (1986): 360-93. Reprinted in *Critical Essays in Popular Musicology*, ed. Allan Moore, Ashgate (2007).

Review-Article:

- "An Update on the Current State of Schenkerian Research: Volumes Edited by Hedi Siegel and Allen Cadwallader." *Theory and Practice* 19 (1994): 121-52.

Reviews, Reports, Dictionary Entries and Popular-press essays:

- "An Appreciation of *Pepper*, Fifty Years On," commissioned for *Beatlefan* 38/4 (May-June 2017).
- Contributor of the article, "The Beatles," to *The Grove Dictionary of American Music* (2013).
http://www.oxfordmusiconline.com.proxy.lib.umich.edu/subscriber/article/grove/music/A2223785?q=Beatles&search=quick&source=omo_gmo&pos=2&_start=1#firsthit
- Contributor to "Report on the 2008 Mannes Institute for Advances Studies in Music Theory: Jazz Meets Pop," *Music Theory Online* 14/3, uploaded September 2008.
<http://mto.societymusictheory.org/issues/mto.08.14.3/toc.14.3.html>
- "High Art Born of Deep Crisis: 'Strawberry Fields Forever,'" *Beatles Special Edition*, ed. Ben Nussbaum (i-5 Publishing; 2014).
- "What a Rock Concert Should Do: Paul McCartney, Driving USA 2002." *Soundscapes* 5 (May 2002) (24 KB).
http://www.icce.rug.nl/~soundscapes/VOLUME05/Driving_USA.html
- Review of Richard Middleton's *Reading Pop* (Oxford University Press, 2000), *Music Theory Online* 7/6, uploaded December 2001 (32 KB).
http://societymusictheory.org/mto/issues/mto.01.7.6/mto.01.7.6.everett_frames.html

Editorial work:

- Editorial board member for University of Michigan Press, *Theory and Practice* 1990—2001, *In Theory Only* 1996, 2006, *Music Theory Spectrum* 1999—2002, *20th-Century Music* 2006, *Rock Music Studies* 2014—, American Music History Series of Penn State University Press.
- Pre-publication reader for Oxford University Press, W. W. Norton & Co., Prentice-Hall, McGraw-Hill, Indiana University Press, *Music Theory Spectrum*, *Canadian University Music Review*, *Journal of Musicology*, *Music Analysis*, *Popular Music*, *Music and Politics*, *Music Theory and Analysis*, *twentieth-century music*, *Music Research Forum*.

Invited presentations:

Keynote address, "The Mellow Depth of Melody in *Abbey Road*," Come Together: Fifty Years of *Abbey Road*, The University of Rochester (September 2019).

Keynote address, "Children of Nature: Origins of the Beatles' *Tabula Rasa*," The Beatles' *White Album*: An International Symposium, Monmouth University (November 2018); also given at Ann Arbor District Library (April 2019).

"The Blood Rushes In: Sex and Masculinity in 'Candy's Room' and 'Prove It All Night,'" co-authored with Katie Kapurch; paper presentation for conference dedicated to Bruce Springsteen's *Darkness at the Edge of Town*, Monmouth University (April 2018).

"Behind the Curtains: Sgt. Pepper's Lonely Hearts Club Band," lecture presented to the Ann Arbor District Library (April 2018).

"Command, Surrender and Transferral in Patti Smith's 'Land,'" lecture presented to Texas State University, San Marcos (March 2018).

Abbey Road: The Beatles' Swan Song," lecture presented to the Ann Arbor District Library (April 2017), Baldwin Wallace University (March 2019).

Workshops in the Pedagogy of Music Theory: week-long residence leading ten one-hour sessions for faculty members from four continents, at the University of Massachusetts—Amherst (June 2016).

"Two Approaches to Beatles Research: Plumbing the Recording Process and Parsing a Text," lecture presented at Duke University (November 2015) and Johns Hopkins University (April 2016).

Untitled two-hour faculty lecture delivered at the "Methods of Popular Music Analysis," seminar, University of Osnabrück (September 2015).

"It Was Fifty Years Ago Today: The Beatles in 1964," lecture presented at Winthrop University (October 2014).

"Get Off My Lawn! The Challenges and Opportunities Presented by Digital Technologies to Today's Rock-Music Theorist." The Institute for Popular Music, The University of Rochester (July 2014).

"Instant Combustion: Fairly Sensational, Dramatic, Wonderful, Funny, Exciting!" Keynote address for the conference, "It Was Fifty Years Ago Today!: An International Beatles Celebration," The Pennsylvania State University at Altoona. Lecture for the University of Rochester Institute for Popular Music's "In Performance Series." Lecture for the symposium, "Tomorrow Never Knows: The Beatles in Text and Image—Materiality and Meaning," The University of Pennsylvania (all February 2014). Posted at www.youtube.com/watch?v=M6qJEibtY9U

Roundtable Panelist on the Music of the Beatles with Allan Kozinn, Mark Lewisohn, and Ken Scott at the Paley Media Center, New York City (October 2013).

Invited presentations, cont'd:

Keynote address, "Setting the Stage: The Beatles in 1963," The Society for Music Analysis, Liverpool, England (July 2013); revision presented at Belmont University (September 2013).

"And Your Bird Can Sing," lecture presented at Louisiana State University (February 2013), The Peabody Institute (April 2016), and Texas State University (April 2018).

"The Beatles' Recording of 'A Day In the Life,'" The Pennsylvania State University (March 2012); revisions presented to the Fargo Public Library (November 2012), Louisiana State University (February 2013), the University of Western Ontario (March 2013), and for the "Summit of Creativity" conference, University of Michigan (June 2017).

"A Memoir: The Evolution of Beatles Research, 1971 to Date," lecture presented at Gettysburg College (March 2012).

Respondent to David Temperley's article, "Scalar Shifts in Popular Music," *Music Theory Online* webinar (February 2012).

"Harmony and Voice Leading in Rock Music Produced After 1980," faculty lecture delivered at the "Methods of Popular Music Analysis," seminar, University of Osnabrück (September 2011). Revised version delivered by invitation at Gettysburg College (March 2012).

"Complexity and Meaning in Post-Millennial Rock Music," invited plenary talk delivered at the Conference of the Arbeitskreis Studium Populärer Musik, Mannheim, Germany (November 2010). Revised version delivered by invitation at Indiana University (April 2011).

"Of Harry Pa(r)tch and Other Challenges to Tonal Centricity in Early 21st-Century Rock," Princeton University (April 2010).

"The Creation of 'Strawberry Fields Forever,'" Minnesota State University at Moorhead (May 2009); repeated for Gettysburg College, The Pennsylvania State University, and Glacier Hills Retirement Community, Ann Arbor (all March 2012), Lycoming College (November 2017), and Texas State University (March 2018).

"Melodic Contour and Ornamentation in Pop-Rock Music of the 1950's and '60s," Michigan State University (April 2009).

"Children of Nature: Origins of the Beatles' *Tabula Rasa*," Skidmore College, on the occasion of the 40th Anniversary of the release of the Beatles' "White" Album (November 2008).

Lead presentation for plenary session, "Popular Music and the Canon," The Society for Music Theory, Nashville (November 2008).

Panel presentation on Professional Development in Pop-Music Scholarship, Pop-Music Interest Group, Society for Music Theory, Nashville (November 2008).

"Text-Music Relations in 1960's Pop" for Daniel Harrison's Music 275 class, Yale University (October 2008).

Invited presentations, cont'd:

Plenary presentation, "The State of Popular Music Scholarship Today," Eastman School of Music, as part of the 2008 Mannes Institute (June 2008).

"'It Fits In Well With the Chords I'm Playing': Melody in Pop-Rock Music of the 1950s and '60s," University of Iowa (May 2008).

"Rocking the Arts," an address given in acceptance of the Kjell Meling Award for Distinction in the Arts and Humanities, The Pennsylvania State University at Altoona (October 2007).

Keynote address: "From 'Blue Suede Shoes' to 'Suite: Judy Blue Eyes': The Foundations of Rock," Great Lakes Chapter, College Music Symposium, Bowling Green, Ohio (March 2007).

"Good Vibrations: The Foundations of Rock," College-Conservatory of Music, University of Cincinnati (May 2006).

"Painting Their Room in a Colorful Way: The Beatles' Exploration of Timbre," Music of the Americas Study Group, University of Michigan (February, 2006); Skidmore College (October, 2005); Texas A&M (February 2005); Saint Marys College, South Bend, Indiana (February 2003).

"Tracing the Evolution of John Lennon's 'Strawberry Fields Forever' Through Its Compositional Drafts," University of North Carolina at Chapel Hill (Nov. 2003).

"Deep-Level Portrayals of Directed and Misdirected Motions in Nineteenth-Century Lyric Song," University of North Carolina at Chapel Hill (November 2003).

Keynote address: "Making Sense of Rock's Tonal Systems," Florida State University Forum (March 2002); previously presented as a featured paper at the "Music Analysis and Popular Music" conference, University of Cardiff, Wales (Nov 2001).

"Detroit and Memphis: The Soul of *Revolver*," Skidmore College (September 2001).

Keynote address: "Takin' It to the Streets: Egghead Trainspotting for Everyone," Combined meeting of the Texas Music Theory Society and the South-Central Society for Music Theory, Houston (February 2001).

"The Expression of Troubling Societal Values in Postmodern Rock Music," University of Texas at Austin (February, 2001), University of Oregon (March 2001).

Keynote address: "The Future of Beatles Research," Beatles 2000 Conference, Jyväskylä, Finland (June 2000).

"Motown, Michigan and Music Theory," Music Theory Midwest, Kalamazoo (May 1996).

"Paul Simon's Crisis of Chromaticism: the Aggregate and the Spiral," College-Conservatory of Music, University of Cincinnati (January 1996).

"The Beatles in the Studio," College-Conservatory of Music, University of Cincinnati (December 1995).

"'Lucy in the Sky with Diamonds' and 'I Am The Walrus,'" College-Conservatory of Music, University of Cincinnati (December 1995).

Invited presentations, *cont'd*:

- "Musical Expression at Deep Structural Levels in Learned and Vernacular Vocal Repertoires (II)," Indiana University (February 1995).
- "Voice Leading and Harmony in the Early Music of the Beatles," International Association for the Study of Popular Music, London, England (July 1992).
- "Peter Westergaard's Theory of Tonal Rhythm," Society for Music Theory, Cincinnati (November 1991)
- "Power in the Music of the Beatles," Power Conference, University of Rochester (January 1989).
- "Middleground Motives as Unifiers of the Theme of Illusion in Schubert's *Winterreise*," Eastman School of Music (January 1989).
- "Text-Related Middleground Motives as a Device of Intersong Unity in Schubert's *Winterreise*," Cincinnati College-Conservatory of Music (May 1987).

Conference papers and other presentations:

- "*Lepidopteron cum strabismus*: The Hidden Promise of Vanessa, the Erratic Adolescent Doddler," "A Powerful Force: Women in Music" conference, Ball State University (October 2020).
- "Sex and Gender in Recent Popular Music by Women and Non-Binary Performers," EUROMAC 10 conference, P. I. Tchaikovsky Conservatory, Moscow, Russia (Sept 2020)
- "'Revolution 9': The Creation of John Lennon's *Guernica*," The Art of Record Production conference, Berklee College of Music, Boston (May 2019).
- "Command and Surrender in Patti Smith's 'Land,'" Women in the Creative Arts conference, Australian National University, Canberra (August 2017).
- "Fair Use Considerations in Rock Scholarship," Society for Music Theory, Vancouver (November 2016).
- "Towards a Best Use of Graduate-Student Assistants for Grading Essays in Large-Enrollment Courses," Professional Development panel, Society for Music Theory, Milwaukee (November 2014).
- "*Bonner Zeit* Transitions: Rhenish Things *Not* Put Away," University of Michigan (October 2012).
- "Reaching Beyond the Field," Professional Development panel, Society for Music Theory, Minneapolis (November 2011).
- "The Intercontinental Guitar Style of Jimi Hendrix," New World Coming: The Sixties and the Shaping of Global Consciousness conference, Queen's University, Kingston, Ontario (June 2007).

Other conference presentations, *cont'd*:

- "Beyond the Palace: Casing the Promised Land," Glory Days: A Bruce Springsteen Symposium, Monmouth University, NJ (September 2005).
- "Sam Phillips' 'Five Colors': Which is the Way?," Pop-Music Interest Group, Society for Music Theory, Seattle (November 2004).
- "Hand Jive and Ear Prudence," guitar lecture-demonstration presented with John Covach, Society for American Music, Cleveland (March 2004).
- "The Values of Traditional Historiographical and Theoretical Approaches for the Study of Rock Music," Society for Music Theory/"Musical Intersections" megaconference, Toronto (November 2000).
- "A Royal Scam: The Abstruse and Ironic Bop-Rock Harmony of Steely Dan," Society for Music Theory, Atlanta (November 1999).
- "Singing About the Fundamental Line: Vocal Portrayals of Directed and Misdirected Motions," Society for Music Theory, Phoenix (October 1997).
- "David Brackett, Wilson Pickett, Nirvana and Lucifer," Re*pre*sent*ing Rock conference, Duke University (April 1997).
- "Any Time at All: The Beatles' Free Phrase Rhythms," Society for Music Theory, Baton Rouge (November, 1996) and Music Theory Midwest, Kalamazoo (May 1996).
- "The Learned vs. The Vernacular in the Songs of Billy Joel: 'James' vs. 'Laura'," Conference on Cross (Over) Relations, Eastman School of Music (September 1996).
- "Adjunctive Tonal Structures and the Dissociative Condition in the Music of the Beatles," Society for Music Theory, Tallahassee (November 1994).
- "Musical Expression at Deep Structural Levels in Learned and Vernacular Vocal Repertoires (I)," Inaugural meeting of the Society for Music Analysis, jointly with the Royal Musical Association, Southampton (March 1993).
- "Voice Leading and Harmony in the Early Music of the Beatles," Society for Music Theory, Kansas City (October 1992).
- "Chromatic Structures in Paul Simon's *Still Crazy After All These Years*," Society for Music Theory, Cincinnati (November 1991).
- "The Beatles as Composers: The Genesis of *Abbey Road*, Side Two," City University Music Analysis Conference, London (September 1991).
- "Text-Painting in Mozart's Three *Lieder* (KV 596-598) of 14 January 1791," *Mozart-Kongress*, Salzburg (February 1991).

Other conference presentations, *cont'd*:

- "Harmonic Function and Ambiguity in the Music of the San Francisco Counterculture," Society for Music Theory/American Musicological Society/Society of Ethnomusicology, Oakland (November 1990).
- "Voice Leading, Register and Self-Discipline in *Die Zauberflöte*." Society for Music Theory, Oakland (November 1990) and Music Theory Society of New York State, Rochester (October 1990) .
- "Ambiguity of Directed Harmonic Motion in Rock Music of the 1960s," International Association for the Study of Popular Music, New Orleans (May 1990).
- "Text-Related Middleground Motives as a Device of Intersong Unity in Schubert's *Winterreise*," Society for Music Theory/American Musicological Society, Austin (October 1989).
- "Analytical Considerations in 'Underground' Rock Music of the Late 1960's," Inaugural meeting of Music Theory Midwest, Northwestern University (May 1990).
- "Schenker's Duck-Rabbit: Seeking a Clearer Understanding of the 5-6 Exchange," Music Theory Society of New York State, New York (September 1989).
- "Middleground Motives as Unifiers of the Theme of Illusion in Schubert's *Winterreise*." Symposium of Research in Music Theory, Indiana University (April 1988).
- "Middleground-Level Text-Painting in Two Examples from Schubert's *Winterreise*," Great Lakes Chapter of College Music Society, Northwestern University (April 1986).
- "Text-Painting in the Foreground and Middleground of Paul McCartney's Beatle Song, 'She's Leaving Home': A Musical Study of Psychological Conflict," Indiana University (1986), and Midwest College Music Society, Kansas City (1985).
- Additionally, presentations to the Michigan Theory Department Colloquium in October '18, October '16, June '13, Oct '12, Apr '10, Nov '10, Mar '99, and to the Michigan Music Theory Society in Mar '93, Fall '92, Wtr '92, Jan '91, Nov '90, Oct '89, Sept '89, '82, '81.

Awards:

- School of Music, Theatre and Dance Grant for engraving of music examples for publication, "Becoming Beethoven: Theorizing *Bonner Zeit Transitions* (\$750).
- Grants from the University of Michigan Office of Research, University of Michigan Arts Engine and University of Michigan School of Music, Theatre and Dance, to support the symposium, "Summit of Creativity: A Celebration of the Fiftieth Anniversary of The Beatles' *Sgt. Pepper's Lonely Hearts Club Band*," at the University of Michigan in June 2017 (\$20,000 combined).
- Fellowship at the Rock and Roll Hall of Fame Archives, Cleveland, Ohio, for a week's residency studying documents related to Patti Smith, July 2016 (\$2,000).
- Faculty Research Fund Block Grant for research on Beatles book for Oxford, 2014 (\$650).

Awards, *cont'd*:

Horace H. Rackham Spring / Summer research Grant, a partnership with supporting Ph.D. student for preliminary research for book in rock music, 2011 (\$6,000).

Faculty Research Fund Block Grant for travel in Germany (library work on Neeffe, Luchesi and Sterkel at Beethoven Archiv, Bonn), 2010 (\$1,423).

Society for Music Theory Publication Subvention for performance of audio examples for *The Foundations of Rock*, 2008 (\$633).

Faculty Research Fund grant, School of Music, for performance of audio examples for *The Foundations of Rock*, 2007 (\$1,500).

Kjell Meling Award for Distinction in the Arts and Humanities, 2007 (\$1,000).

National Endowment for the Humanities Fellowship, 2003-2004 (\$40,000 towards release time for academic-year research).

Horace H. Rackham Faculty Fellowship Enhancement Award, 2003 (\$3,000).

Faculty Career Development Award, 2001 (\$5,000).

Office of the Vice-President for Research, Preliminary Grant for book, *The Beatles as Musicians*, 1993 (\$5,722).

Faculty Research Fund grant, School of Music, for materials for above, 1993 (\$1,948), 2001 (\$3,500).

Faculty Research Fund grant, School of Music, for computer input for above, 1995 (\$2,040).

Faculty Research Fund grant, School of Music, for copyright permission fees for above, 1996 (\$1,200).

Faculty Research Fund grant, School of Music, for music calligraphy for above, 1994 (\$200).

Horace H. Rackham Faculty Fellowship for book chapter, "The Beatles as Composers: The Genesis of *Abbey Road*," 1991 (\$7,000).

Commission as consultant for David Appleby's book on Villa-Lobos for Greenwood Press, 1988 (\$500).

Additional Professional Activities:

Subject of hour-long interview by Allan Kozinn, Steve Marinucci and Ken Michaels on podcast, "Things We Said Today" (26 February 2018): <http://beatlesexaminer.podbean.com>, show #264.

Subject of 45-minute interview by Vincent Benitez for the eLearning Institute, Pennsylvania State University at <https://www.youtube.com/watch?v=WZgdYH648dU>

Subject of interview for "The Compulsive Reader" at <http://www.compulsivereader.com/2008/05/04/excitements-and-examinations-an-internet-interview-with-music-scholar-walter-everett/>

Additional Professional Activities, *cont'd*:

Pre-concert and pre-film talks at the Michigan Theater, April and September 2016, April 2017, April 2018, May 2019.

Subject of video documentary, "Celestial Bonfire: The Art of the Beatles," directed by Jim White, premiered on GRTV, Grand Rapids, 10 October 2003.

Subject of numerous international print and online newspaper features NPR's *Morning Edition* and other radio and television interviews.

Program committee member for "Come Together: Fifty Years of *Abbey Road*, conference hosted by the University of Rochester Institute for Popular Music, September 2019.

Organizer of conference, "Summit of Creativity: Celebrating the 50th Anniversary of the Beatles' *Sgt. Pepper's Lonely Hearts Club Band*," The University of Michigan, June 2017.

Faculty Member, Gary Karpinsky's week-long Workshop in Music Theory Pedagogy, University of Massachusetts, Amherst, June 2016.

Faculty Member, 2nd International Postgraduate Summer School, "Methods of Popular Music Analysis," University of Osnabrück, Germany, September 2015.

Inaugural member, Editorial Board for journal, *Rock Music Studies* (Taylor & Francis), 2013—.

Member, Advisory Board, University of Rochester Institute for Popular Music, 2012—.

Leader, Graduate Student Workshop, "Harmony and Voice Leading in Rock and Pop Music," meeting of the Society for Music Theory, New Orleans, November 2012.

Chair, conference session, "*Sgt. Pepper's Lonely Hearts Club Band*: Historical Context, Cultural Interpretations, and Musical Legacy," Joint session for the American Musicological Society, the Society for Ethnomusicology, and the Society for Music Theory, New Orleans, November 2012.

Technical coordinator, Ann Arbor meeting of Music Theory Midwest, May 2012.

Faculty Member, International Postgraduate Summer School, "Methods of Popular Music Analysis," University of Osnabrück, Germany, September 2011.

Chair, Publications Committee of the Society for Music Theory, 2010-2013.

Member, SMT Publications Subvention Awards Committee, 2011-2013.

Member, SMT Networking Committee, 2010-2013.

Member, SMT Popular Music Interest Group Program Committee, 2010-2011.

Co-Chair and faculty member, Mannes Institute on Jazz Meets Pop, June 2008.

Leader, Graduate Student Workshop, "The Tonal Systems of Rock," for fourteen graduate students visiting from Vancouver, Seattle, Los Angeles, Montréal, Toronto, Cincinnati, and elsewhere, in Ann Arbor, 8 February 2008.

Fellow, Mannes Institute on Chromaticism, June 2006.

Additional Professional Activities, *cont'd*:

Chair, Society for Music Theory Program Committee, 2002-2003 (for Madison meeting);
Member, SMT Program Committee, 2001-2002 (for Columbus meeting).

Participant, Advanced Placement Colloquium with College Board, Chicago; April 2008.

Grader for Graduate Record Examinations in Music Theory, administered by the Educational Testing Service. Participated in exam readings in Princeton, Dec '99, Jan '97, Jan '96, Nov '95, Jan '95, Nov '94, Mar '94, Nov '93, Mar 93, Nov 91. Assistant Chief Reader, Jan '99.

Credited consultant for museum exhibits, Experience Music Project, Seattle, April-May 2000.

Member, Society for Music Theory Columbus Program Committee, 2001-2002; Chair, Society for Music Theory Madison Program Committee, 2002-2003

Member, Pop-analysis group of SMT-Philadelphia Program Committee, 2000-2001

Chair, Society for Music Theory Nominations Committee, 1994-95 (committee member, 1993-95; member of Society for Music Theory since 1980).

Archival work and interviews in Liverpool, March 1993 and July 2013.

Music Theory Society of New York State Publications Committee member, 1991-96 (member of the Society since 1986).

Theory & Practice subscriptions manager, 1990-95.

Chair, Music Theory Midwest Nominations Committee, 1996-97 (committee member, 1994-97; member of the Society since 1990).

Chair, conference session, "Topics in World and Popular Musics," Music Theory Midwest, Butler University (May 1999).

Chair, conference session, "Schenkerian Analysis," Music Theory Midwest, Indiana University (May 1994).

Chair, first session devoted to "Music and Popular Culture" in the joint meeting of the American Musicological Society and the Society for Music Theory, Montréal (Oct 1993).

Music Theory Society of New York State Program Committee, 1991-92.

Music Theory Society of New York State Executive Board, 1990-91.

Chair, conference session, "Analogies and Systems for Understanding Music," CMS/Great Lakes Chapter, Ann Arbor (Mar 1987).